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12 *Attorneys For Plaintiff/Counterdefendants*

13
14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 SHUFFLE MASTER, INC.

17 Plaintiff,

18 v.

19 YEHIA AWADA, and GAMING
ENTERTAINMENT, INC.

20 Defendants.

21
22 GAMING ENTERTAINMENT, INC., and
YEHIA AWADA,

23 Counterclaim-Plaintiffs,

24 v.

25 SHUFFLE MASTER, INC., and MARK
YOSELOFF,

26 Counterclaim-Defendants.
27
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CASE NO. CV-S-05-1112-RCJ-RJJ

EFILE

**ORDER ON SUMMARY
JUDGMENT AND PERMANENT
INJUNCTION**

1 IT IS HEREBY ORDERED:

2 Shuffle Master Inc.'s (hereinafter "Shuffle Master") Motion for Summary
3 Judgment on Trade Dress Infringement (Count 1) is GRANTED;

4 Judgment is GRANTED in favor of Shuffle Master on its Trade Dress
5 Infringement Claim (Count 1);

6 Shuffle Master's Motion for Summary Judgment on Yehia Awada and Gaming
7 Entertainment, Inc.'s (hereinafter "Defendants") Counterclaims is GRANTED;

8 All other claims of the parties are dismissed with prejudice except that Shuffle
9 Master's Trademark Infringement Claim (Count 2), and Defendants' defenses thereto, are
10 dismissed without prejudice and Shuffle Master's request for damages and attorneys' fees
11 are dismissed with leave to reinstate such claims upon subsequent remand of this action;

12 Defendants, including all of their officers, agents, servants, employees, and
13 attorneys, and all other persons in active concert or participation with them who receive
14 actual notice of the injunction are hereby enjoined in any manner, from either directly or
15 indirectly:

16 (a) Using a trade dress the same as or confusingly similar to the Four Card Poker
17 Trade Dress (as defined below), or any colorable imitation thereof, in connection with the
18 advertising, promotion, marketing, sale, or other disposal of Defendants' services or
19 products;

20 (b) Using any logo, trade dress, trade name, trademark or servicemark which is
21 calculated and/or a found by a court to represent falsely that the services or products of
22 Defendants are affiliated, connected, or associated with Shuffle Master, Inc. (hereinafter
23 "Shuffle Master");

24 (c) Using any logo, trade dress, trade name trademark or servicemark which is
25 calculated and/or found by a court to represent falsely that the services or products of
26 Defendants are sponsored by, authorized by, approved by, or originate from Shuffle
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1 Master;

2 (d) Using the Four Card Poker Trade Dress in any fashion that would damage the
3 business reputation of Shuffle Master, or any of its successors, assigns, affiliates,
4 subsidiaries, or parents, or that would dilute the value of the Four Card Poker Trade
5 Dress;

6 (e) Otherwise infringing on the Four Card Poker Trade Dress;

7 (f) Unfairly competing with Shuffle Master; and

8 (g) Aiding, abetting or assisting any other person or entity in engaging in or
9 performing any activities stated in paragraphs (a) through (f) above.

10 The "Four Card Poker Trade Dress" is comprised of the following elements: (1)
11 the placement of three circles, arranged vertically, representing the location to place the
12 various bets, at each player station; (2) the font¹ within the three circles at each player
13 station; (3) the printing of the names of the bets within the three circles at each player
14 station, so that the letters of "Aces Up" and "Play 1x to 3x Ante" touch the outer edges of
15 the circles; (4) the identification of the bets, as "Aces Up," "Ante," and "Play 1x to 3x
16 Ante" at each player station; (5) the placement of the pay tables at each player station
17 beneath the vertically arranged circles; (6) the font of the "Aces Up" trademark at each
18 player station; (7) the number of dots (eighteen) below the "Aces Up" trademark at each
19 player station; (8) the font of the "Automatic Bonus" heading at the pay table for each
20 player station; (9) the number of dots (eighteen) below "Automatic Bonus" at each player
21 station; and (10) the font and wording of the text below the pay table at each player
22 station ("Automatic Bonuses paid on Ante wager").

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26 ¹ References to fonts herein refer to the corresponding fonts in the example displayed
27 below.
28

Aces Up

Ante

Play 1x to 3x Ante

Four of a Kind.....	50 to 1
Straight Flush.....	30 to 1
Three of a Kind.....	7 to 1
Flush.....	6 to 1
Straight.....	5 to 1
Two Pair.....	2 to 1
Pair of Aces.....	1 to 1

Automatic Bonus

Four of a Kind.....	25 to 1
Straight Flush.....	20 to 1
Three of a Kind.....	2 to 1

*Automatic Bonuses paid on Ante wager

1 Dated: April 11, 2007

Respectfully submitted,

3 /s/ Barry F. Irwin

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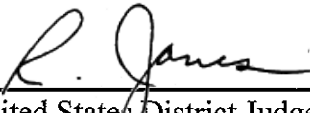
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13 Chicago, Illinois 60601

14 *Attorneys for Plaintiff/Counter-Defendants*

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17 IT IS SO ORDERED this 16 th day of April, 2007.
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20 
21 United States District Judge
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